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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,650	03/23/2004	Ralf Koch	TRW(ASG)7042	2610

7590 10/06/2005

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EXAMINER

SPISICH, GEORGE D

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/806,650	KOCH ET AL.	
	Examiner	Art Unit	
	George D. Spisich	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/1/04&9/19/05</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

The specification does not include necessary section title headings such as "Summary of the Invention", "Brief Description of the Drawings", etc.

Also, there is no "Brief Description" provided for Figure 1.

On at least page 4, lines 17-24, the stabilizer is referred to as element "30". This is incorrect as element 30 is the orifice and the stabilizer is element 34.

On page 4, line 30 and page 5, line 1, it is disclosed that the stabilizer 34 surrounds the stationary section 26 (shown in broken lines). It does not appear that this statement is consistent with Figure 1 as this is not shown in broken lines.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 is unclear. Line 1-2 states the "cover (25) having a centric section (26)" is unclear and inaccurate. The centric section (26) is not part of the cover (25).

Claim 7, lines 4- 6 are unclear. It is unclear to claim that the "stabilizer.....is moved outwards along the stationary section (26) during deployment". The phrase "outwards along the stationary section" is unclear. A possible correction may be to delete "along" and add - - away from - - .

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Marotzke et al. (USPUB 2004/0245751).

Marotzke et al. (as described in Figure 14) disclose a gas bag module having a gas bag (10) having a front wall serving as an impact surface for an occupant. In an inflated state of the gas bag, the front wall (at or near element 50) as a transition to an indentation (17), the indentation being formed by restraining a center section of the gas bag during inflation and preventing the center section from moving freely.

The orifice is surrounded by a stabilizer (50) defined as a closed ring in a region of the orifice, the stabilizer being a part separate from the gas bag wall.

The stabilizer is termed a tension band.

The indentation (17) is confined by a section (the side walls of the cavity 17) of the gas bag wall integrally connected to the front wall.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marotzke et al. (USPUB 2004/0245751).

Marotzke et al. has been discussed in the prior rejection. However, Marotzke et al. does not disclose if the tension band (50) which is the stabilizer is made of fabric.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the tension band/stabilizer from fabric, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marotzke et al. (USPUB 2004/0245751) in view of Hill (USPN 5,813,696).

Marotzke et al. has been discussed in the prior rejection. However, Marotzke et al. does not show a limiting strap connected from the front wall to the rear wall to co-determine the shape of the gas bag in an inflated state.

Hill discloses a limiting strap (62) as a means to determine the shaped of the gas bag in a inflated state.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the gas bag arrangement of Marotzke et al. by providing a limiting strap as taught by Hill connected to the front and rear wall to co-determine the shape of the gas bag in an inflated state so as to provide a more control gas bag shape when in the inflated state.

Allowable Subject Matter

Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hill (USPN 6,086,092), Fellhauer et al. (USPN 6,726,245), Webber (USPN 6,857,659), Bohn (USPUB 2002/0084640), Keshavaraj (USPN 2002/0135173), Gullette et al. (USPN 3,618,979), Arntson et al. (USPN 3,727,942), Burdock (USPN 6,550,804), Bohn et al. (USPN 6,588,798), Bohn et al. (USPN 6,595,549), Keutz (USPN 6,883,832), Neupert (USPUB 2002/0084638), Jenkins et al. (USPUB 2002/0175501), Bieber et al. (USPUB 2002/0195809), DE 10065461.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George D. Spisich
September 28, 2005



 9/29/05
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